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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

2005 MAR 21 P 2: 27
CIVIL ACTION NO. 04-10480-RGS

SILAS CALHOUN AND EMILY)
CALHOUN, INDIVIDUALLY, AND AS)
PARENTS AND NEXT FRIENDS OF)
ESTELLA CALHOUN,)
)
Plaintiffs,)
)
v.)
)
UNITED STATES OF AMERICA,)
ERIC C. DAUB, M.D. AND)
MARIANNE SUTTON, M.D.,)
)
Defendants.)
)

U.S. DISTRICT COURT
DISTRICT OF MASS

**MOTION FOR COURT ORDER FOR RELEASE OF ORIGINAL RADIOLOGY
FILMS OF THE PLAINTIFF, ESTELLA CALHOUN, FROM
CHILDREN'S HOSPITAL AND EMERSON HOSPITAL**

NOW COMES the defendant, Marianne Sutton, M.D. ("Dr. Sutton"), and hereby move this Honorable Court for an order for the release of original radiology films of Estella Calhoun from Children's Hospital and Emerson Hospital for inspection.

As grounds therefore, the defendants state the following:

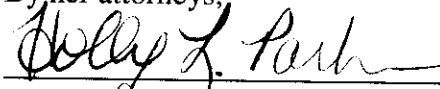
1. This is a medical malpractice action wherein the plaintiff alleges that Dr. Sutton negligently discharged Estella Calhoun from Emerson Hospital, resulting in intracranial bleeding and seizures which caused permanent neuro-deficits. Dr. Sutton was the plaintiff's treating physician when the plaintiff was admitted to Emerson Hospital from March 3 through 6, 2000.
2. Estella Calhoun had an ultrasound performed at Emerson Hospital on March 4, 2000.

3. Estella Calhoun had a head CT performed on March 9, 2000, an MRI performed on March 10, 2000, and a follow-up MRI performed on March 14, 2000, at Children's Hospital.
4. The radiology films are relevant in this medical malpractice case due to the medical diagnosis of the plaintiff.
5. Dr. Sutton now seeks the release of the original radiology films for Estella Calhoun in the possession of Children's Hospital and Emerson Hospital.
6. Dr. Sutton seeks to have their experts inspect and review the radiology films in order to prepare for the defense of this action.
7. No party will be prejudiced by the granting of this motion.

WHEREFORE, the defendant, Dr. Sutton, respectfully requests that this Honorable Court issue the proposed orders attached authorizing the release of the original radiology films of Estella Calhoun to Dr. Sutton's attorney based upon the aforementioned reasons.

The Defendant,
Marianne Sutton, M.D.

By her attorneys,



Paul R. Greenberg, BBO No. 552176

Holly L. Parks, BBO No. 647273

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DATED:

I hereby certify that a true copy
of the above document was
served upon the attorney of
record for each party by hand
or mail on 3/18/05
HLP